

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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SECURITIES AND EXCHANGE :
COMMISSION, :
Plaintiff, : No. 15 CV 07077 (GBD) (GWG)
v. :
STEPHEN B. PENCE, :
Defendant. :
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**NOTICE OF MOTION FOR AUTHORIZATION FOR SUBSTITUTE SERVICE
OF PROCESS FOR A *SUBPOENA AD TESTIFICANDUM***

PLEASE TAKE NOTICE that based upon the accompanying Memorandum of Law and all other papers filed herein, Defendant Stephen B. Pence, by and through his attorneys, will move this Court on a date to be determined, before the Honorable Gabriel W. Gorenstein, United States Magistrate Judge, at the United States Courthouse at 500 Pearl Street, New York, NY 10007, Courtroom 6B, for an Order pursuant to Rule 30(a)(2)(B) of the Federal Rules of Civil Procedure authorizing substitute service of process for a *subpoena ad testificandum* on Michael A. Stegawski, Esq. and granting such other and further relief as this Court deems just and proper.

Counsel for Plaintiffs Securities and Exchange Commission, while reserving the right to challenge certain factual and procedural representations set forth in the accompanying Memorandum of Law, joins Mr. Pence's request that the Court enter the Order requested by Mr. Pence.

Pursuant to Local Civil Rule 6.1(b), any opposing affidavits and answering memoranda shall be served by August 28, 2017, and any reply affidavits and memoranda of law within seven days after service of the answering papers.

Dated: New York, New York
August 11, 2017

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